



## INTERIOR BOARD OF INDIAN APPEALS

Estate of George Minkey

1 IBIA 56 (12/29/1970)

Denying reconsideration of:

1 IBIA 1

Estate of George Minkey  
Decided December 29, 1970

IBIA 70-2 Supp.

Indian Lands: Descent and Distribution: Appeals

Although 25 CFR 15 does not include any provision for rehearing after decision on appeal, the Board has inherent power to rectify manifest error.

Indian Lands: Descent and Distribution: Appeals

A rehearing after entry of a decision on appeal will not be granted except upon a showing of manifest error in such decision.



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

ESTATE OF GEORG E MINKEY	:	
	:	Order Denying Petition for Rehearing
Unallotted Washoe	:	
Deceased	:	
Probate No. 23426-48	:	IBIA 70-2 Supp.

This matter comes on for reconsideration upon the filing herein of that petition received October 27, 1970 designated "Notice of Appeal." It is here taken as a "Petition for Rehearing After Appeal." The petitioner seeks reconsideration of the Board's decision of August 13, 1970 which affirmed the Examiner's order denying a petition for the reopening of the probate of the estate of the decedent.

There is no provision in Part 15 of title 25 of the Code of Federal Regulations for the reconsideration of a final decision, although the Board of necessity has inherent power to rectify manifest error in any decision.

The petition for rehearing here filed does not specify error other than that allegedly made below from which appellant seeks relief. All issues presented on appeal were disposed of by the decision of August 13, 1970. The decision therefore will not be modified, nor will the petition be granted. In passing, although it is of little solace to the petitioner, it is well to point out that the statutes of the various states are similar to the regulations. They limit the right of injured parties to seek a reopening of proceedings beyond a

given period following the entry of a final judgment. Experience has demonstrated that when a reasonable time has been allowed to an injured party to seek redress, he should not complain of his own failure to take advantage thereof. Titles and property rights must of necessity come to rest so that reliance thereon may be had with confidence by all.

The petition for rehearing is denied.

Under the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, it is determined that this matter has been properly conducted, decided, and reviewed. This decision is final for the Department. 35 F.R. 12081.

//original signed  
David J. McKee, Chairman  
Board of Indian Appeals

Concur:

//original signed  
George V. Allen, Jr., Alternate Member  
Board of Indian Appeals

Dated: December 29, 1970